

Don and Teck Buelke
2351 Vista Ridge
Victor, MT 59875-9693
(406) 642-3367



February 26, 2008

Ravalli County Commissioners
215 South 4th St, Suite A
Hamilton, MT 59840

Greetings:

With our retirements looming, we are contemplating building a smaller, single level, "green" home that will be of a more suitable design for our future living. During my initial excursion through the County's offices, a document surfaced which the Planning Office thought may imply this parcel had an agricultural restriction that would need to be clarified before proceeding. My wife and I have owned this parcel of land which is contiguous to our current acreage, but held under a separate deed since we acquired it in 1976. While this parcel complemented our adjacent property to form an agricultural entity and has provided hay and pasture ever since I developed it three decades ago, it would have no particular agricultural value as a separate 6.8 acre parcel in this neighborhood setting now.

A copy of the *Ravalli County Non-Residential Property Use Certificate* that raised this sole question is attached. It is our contention that it in no way implies an agricultural land-use provision, but rather is a specific statement relating to *that* sale at *that* time, directed only to the sanitarian, notifying him that no septic approval was needed relevant to that sale. It is apparent from its context that, while it specifies the property will not be used for a dwelling/septic system in the first paragraph, it immediately provides remedy for that exact purpose in the subsequent paragraph that only requires a Certificate of Approval from the Health Department. We had no intention of building on the property at that time, and thus the reason for that statement to the Sanitarian. This clearly indicates it is an in-house document for the purpose of that sale and not a covenant designating the parcel as agricultural land use in perpetuity.

Furthermore, no formal covenants were ever filed describing any such restriction. Thereafter, an eight-acre portion of that initial fourteen-plus acre parcel was sold and there were no restrictions imposed on the new owner regarding an agricultural designation when he obtained a septic permit and constructed a dwelling.

A site map and aerial photo is attached that illustrates the land use in this vicinity. What has evolved is a pleasant rural-residential neighborhood with parcels ranging from about two to ten acres. We hope you can render a favorable determination for us concerning this ambiguous document that will preclude the more extensive minor subdivision review.

Sincerely,

Donald L. Buelke

RECEIVED

FEB 29 2008

Ravalli County Commissioners

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R.A. # 72

File No. 2 PAGES

RAVALLI COUNTY
NON-RESIDENTIAL PROPERTY USE
CERTIFICATE APPLICATION

1. Name of Seller ~~JEAN SHEA~~ Address VICTOR Tel: phone _____
2. Name of Purchaser JEAN DERRY Address VICTOR Telephone _____
DON BUELKE
3. Description of Property (Subdivision, Lot, Block, Certificate of Survey Number, Legal Description or approximate)
1/2 NE 1/4 Sec 35 T8N R21W
4. Size of property (acres or square feet) 14.68 AC.
5. Distance to nearest well 750 ±
6. Distance to nearest existing septic tank and drainfields 750 ±
7. Prior land uses PASTURE
8. Prior adjacent land uses RESIDENTIAL
9. Intended use of property AGRICULTURAL

I hereby certify that the above described real property is to be used for the stated proposes, and will not be used as a location for either a permanent or temporary dwelling or for the implacement of a septic tank, subsurface drainfield or domestic well or spring.

I also understand that before the property can be used as a location for a dwelling, septic tank, subsurface drainfield, vault and privies, well or spring, all tests, studies, and additional data required by the Ravalli County Health Department and the Montana Department of Health and Environmental Sciences must be submitted. A "Certificate of Approval" for such uses must also be received and recorded with an approved survey by the Ravalli County Clerk and Recorder.

30 June 1976
Date

Jenny B. Derry
Signature

1 July 1976
Date

Charles L. Stahl R.D.
Health Officer and/or Sanitarian's Approval

#72

R.A. # 72

216580

I certify that I received and filed this

instrument on this 19th

day of July 1976 at 3:49

o'clock

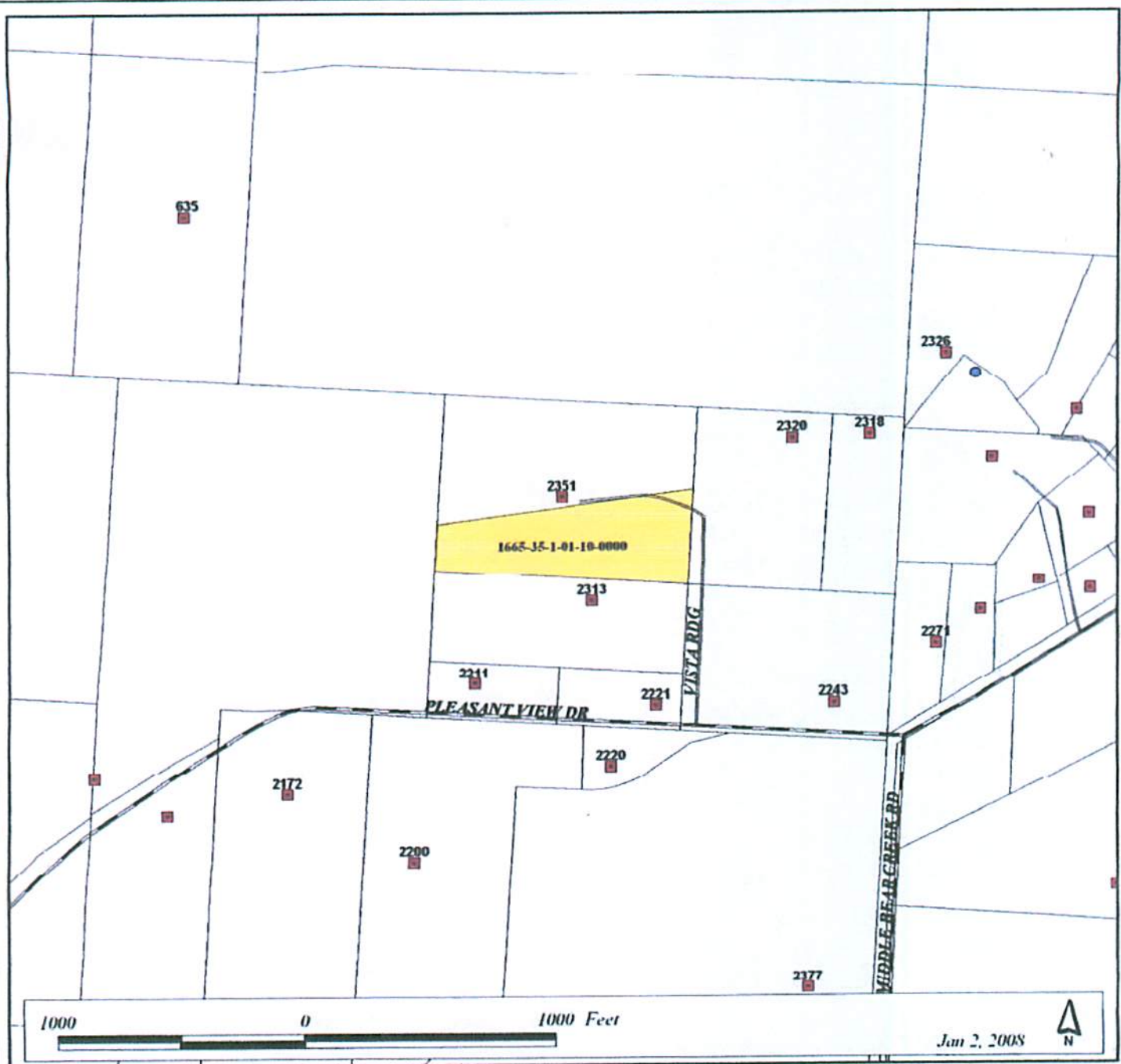
at

Danah E. Hughes

Deputy Recorder

216580

CD # 1063



BUELKE DONALD L & TECKLA E TR

2351 VISTA RIDGE

VICTOR, MT 59875-9693

Physical Address:

Levy District: 7 - 3

School: VICTOR SCHOOL

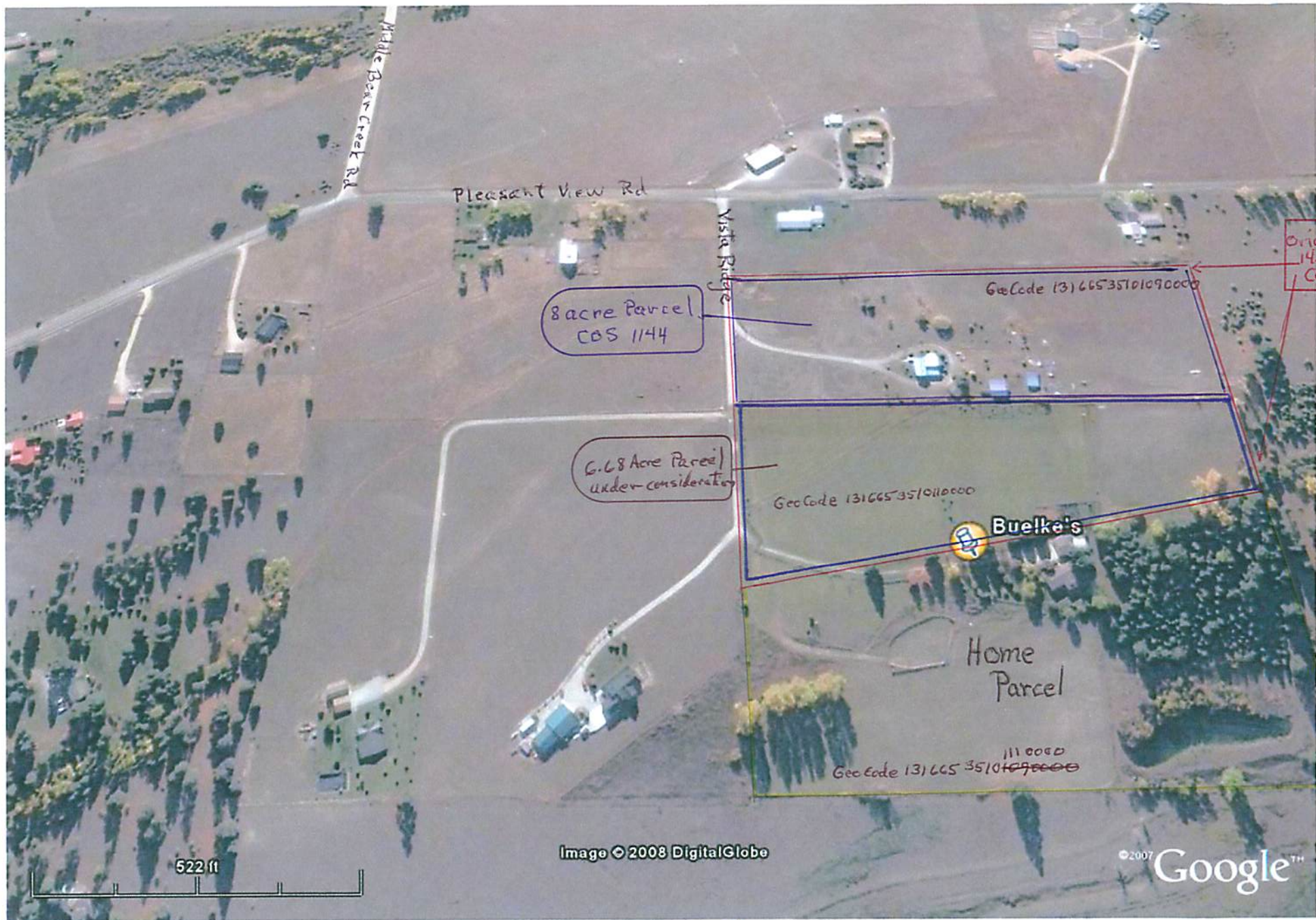
Fire: VICTOR FIRE

Voter Info: ()

Geocode	T-R-S	Legal Description
1665-35-1-01-10-0000	8-21-35	IN S1-2NE INDEX 18
		CS = 1063 LESS CS = 1144
		6.68 AC

Legal Description for Parcel No 884300 »—»

* Description may be incomplete. Consult the official record.



Middle Bear Creek Rd

Pleasant View Rd

Vista Ridge

8 acre Parcel
COS 1144

6.68 Acre Parcel
under consideration

GeoCode 13166535101090000

GeoCode 1316653510110000

Buelke's

Home
Parcel

111 0000
GeoCode 13166535101090000

Original
14.28 acres
COS 1063

522 ft

Image © 2008 DigitalGlobe

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